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Filing date: **03/04/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211807
Party	Defendant D&E Solutions LLC
Correspondence Address	MATTHEW H SWYERS THE TRADEMARK COMPANY 344 MAPLE AVENUE WEST, STE 151 Vienna, VA 22180 UNITED STATES mswyers@thetrademarkcompany.com
Submission	Motion to Amend Application
Filer's Name	Matthew H. Swyers
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Signature	/Matthew H. Swyers/
Date	03/04/2014
Attachments	Motion to Amend Application with Consent.pdf(178042 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Serial No. 85/578,685

For the mark RED ROCKET and Design:



Lazier Industries, Inc,

Opposer,

vs.

D&E Solutions, LLC,

Applicant.

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Opposition No. 91211807

**MOTION TO AMEND FEDERAL TRADEMARK
APPLICATION SERIAL NO. 85/578,685**

COMES NOW the Applicant, D&E Solutions, LLC (hereinafter "Applicant"), by its counsel, and pursuant to 37 C.F.R. § 2.133(a) and TBMP § 514 *et. seq.*, moves the Trademark Trial and Appeal Board for an order restricting the Applicant's identification of goods in the subject Federal Trademark Application Serial No. 85/578,685 for the mark RED ROCKET and



Design: , as follows:

Current: Energy drinks; Soft drinks.

Proposed: Energy drinks.

The Applicant's proposed amendment to Federal Trademark Application Serial No. 85/578,685 is to restrict the identification of goods is proper according to 37 C.F.R. § 2.71 as it merely limits those goods found in the original identification. In view of the foregoing, approval of the amendment by the Board pursuant to 37 C.F.R. § 2.133(a) is believed appropriate.

Finally, the Opposer has given its consent to the amendment by its counsel's execution of this Motion below.

Respectfully submitted this 4th day of March, 2014.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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Consented to by:

/Glenn K. Robbins II/

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Serial No. 85/578,685
For the mark RED ROCKET and Design

Lazier Industries, Inc,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 4th day of March, 2014
to be served, via first class mail, postage prepaid, upon:

Glenn K. Robbins II, Esq.
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1 North Brentwood Boulevard, Suite 1000
St. Louis, MO 63105-3925

/Matthew H. Swyers/
Matthew H. Swyers